

**TOWN OF BARRE
ZONING BOARD OF APPEALS
DECEMBER 16, 2019**

CALL TO ORDER: 7:00 pm by Mrs. Tierney

BOARD MEMBERS PRESENT

LuAnn Tierney Richard Miller
Charles Swan Steve Coville - Alternate

BOARD MEMBERS EXCUSED

Cindy Burnside Stephen Karas

Others present: Kirk Golden, Paul Piscitelli

Mrs. Tierney appointed Mr. Coville to a voting member in place of either Mrs. Burnside or Mr. Karas.

I. APPROVAL OF MEETING MINUTES – October 21, 2019

Mr. Swan made a motion to approve the meeting minutes of October 21st seconded by Mr. Coville and carried (4-0).

II. PUBLIC HEARING

Kirk Golden on behalf of Ann Wilcox 14229 Root Road (117-1-8.1)

Mrs. Tierney stated that there was some information missing on the application:

- Tax lot number is 117-1-8.1 of the property in question
- The exact setback amount is needed
- The Agriculture statement E box stating with boundaries with 500 feet of a farm operation located in an Agricultural District should have been checked
- The Agriculture statement H should list Torrey Farms
- All missing information was corrected on the application as well as the SEQR

The public hearing was opened at 7:02 pm.

Mr. Paul Pisitelli presented a notarized statement from Ms. Wilcox authorizing Mr. Paul Piscitelli to represent her interests regarding the application submitted by Mr. Golden on her behalf. Mr. Golden stated that the homeowner would like to install a residential ground-mounted PV system forward of the front plane of the home in what they would consider the side yard.

- There is no glare associated with solar panels
- The panels will be facing south, maybe ten percent off of straight south
- The solar array would be 103 feet from the center of the road well within the setback requirements in the local solar law which was approved in 2019
- A 31 feet front setback would be required

- There is not a definition in the solar law of what the front yard is
- Mrs. Tierney spoke with Mr. Miller and Dr. Pogue. A re-wording is needed to clarify what constitutes a front yard
- A hedge has already been started in front of the proposed solar array and on the western side
- Panels will have a 30 percent slope, 10' height in the back and 24" in the front
- There will not be a problem of non-use due to the array not working has by a state function due to the grants, it cannot be out more than 25 days and it must be fixed
- The fire department must be notified of where to disconnect the system in an emergency
- The system should run the whole house
- Must be certified NABCEP to be an official installer

The public hearing was closed at 7:17 pm.

Mrs. Tierney stated that on the applicant's section of the SEQR number two was not filled out and should be checked yes as a permit is required. Question 4 was also left blank and should be checked other with Ag/Res specified. Also, number 5 should be marked yes and not N/A. The SEQR part two was completed.

RESOLUTION NO 7-2019

**Introduced by: Stephen Coville
Seconded by: Richard Miller**

WHEREAS, The Barre Zoning Board of Appeals has reviewed the SEQR of **Kirk Golden's application on behalf of Ann Wilcox** for property located at 14229 Root Road (117-1-8.1); and be it hereby

DECLARED a negative SEQR.

Mrs. Tierney – Aye
Mr. Coville – Aye
Mr. Miller – Aya
Mr. Swan – Aye

The resolution was thereupon duly adopted.

RESOLUTION NO 8-2019

**Introduced by: Stephen Coville
Seconded by: Charles Swan**

WHEREAS, The Barre Zoning Board of Appeals has reviewed the application of **Kirk Golden on behalf of Ann Wilcox** for an area variance for property located at 14229 Root Road (117-1-8.1); and be it hereby

RESOLVED, that a 31-foot front setback be granted for the PV System project with conditions:

- The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority and is a necessary component of the Town of Barre’s current and long-term sustainability agenda. (350-112)
- The location of a ground-mounted or freestanding solar collectors shall comply with the setback requirements for accessory buildings, as set forth in the Barre Town Code. (350-117, 2)
- No ground-mounted or freestanding solar collectors shall be permitted in the front yard. The question here is definition of Front Yard. At the present, we have none. A typical definition is the area ahead of the front plane of the house extended to the side property lines. After consulting with both the head of the Planning Board and the Town Supervisor, we determined that the “intent” of our local law was to prevent people from placing any structure between the house and the road. Given that we are a rural community, our lot sizes may vary more than other residential areas and the law was not intended to be overly restrictive. Therefore, keeping with the intent for the law would allow for this system to extend in front of the front plane of the house, considering the setback requirements were met. (350-117, 3)
- Ground-mounted and freestanding solar collectors shall be screened as much as possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing, or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not, however, interfere with the normal operation of the solar collectors. (350-117, 5)
- Removal of small scale solar if it ceases to function for 12 consecutive months... (350-118 G)
- Marking of solar emergency systems for emergency responders... (350-118 H a)

Mrs. Tierney – Aye
 Mr. Coville – Aye
 Mr. Miller – Aya
 Mr. Swan – Aye

The resolution was thereupon duly adopted.

II. OLD BUSINESS

Mrs. Tierney reviewed the attendance and training for the year.

Solar was discussed some. Should we send recommendations to the planning board and town board on our thoughts? We want to be consistent and fair to all with a little more guidance. Issue was tabled for now.

III. NEW BUSINESS

Mr. Karas's appointment term is up at the end of the year. Dr. Pogue contacted him and he would like to remain on the board as an alternate. Dr. Pogue then contacted Mr. Coville asking if he would like to move up to a full member and he agreed.

A question was raised about Mrs. Nigro and the Grange as to if she was allowed to hold an open house per her variance. Mrs. Tierney has spoken to Mrs. Dale-Hall about it and Mrs. Nigro was in violation. Mrs. Dale-Hall stated that she was told Mrs. Nigro will apparently not do it again and was pressured by the arts council to have it.

Mrs. Dale-Hall stated that there is a solar project in the works that may come before the board for a use variance in the future.

IV. ADJOURNMENT

Mr. Swan made a motion to adjourn at 7:46 pm; seconded by Mr. Miller and carried (5-0).

Lee A. Preston, Clerk